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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/627,957

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Efim Z. Birger

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EXAMINER

BUI, BING Q

ART UNIT

PAPER NUMBER

2642

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/627,957

Applicant(s)

BIRGER ET AL.

Examiner

Bing Q. Bui

Art Unit

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/03/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-41 are pending in the application for examination, wherein claims 1, 11, 19, 27, 38 and 41 being independent.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-41 are rejected under 35 U.S.C. 102(b) as being anticipated by Lyell et al (EP 1 100 280 A2) cited by Applicant, herein after referred as Lyell.

Regarding claims 1, 27 and 38, referring to figures 1-7, Lyell teaches a method of providing a voice service to a telephony device over a telephony network comprising:

 sending a voice service control instruction from a client network device to a server network device over a non-local network (see Abstract; and col. 4, ln 47-col. 5, ln 55; and col. 8, ln 25-col. 9, ln 31); and

 executing the voice service control instruction using the server network device to control a voice service provided to the telephony device over the telephony network (see Abstract; and col. 4, ln 47-col. 5, ln 55; and col. 8, ln 25-col. 9, ln 31).

Regarding claims 2, 12, 20 and 28, referring to figures 1-7, Lyell teaches the method of Claim 1 wherein the non-local network is the Internet (see col. 8, In 25-col. 9, In 31).

Regarding claims 3, 13, 21 and 29, referring to figures 1-7, Lyell teaches the method of Claim 1 wherein the voice service control instruction is sent under Hypertext Transfer Protocol (see col. 8, In 25-col. 9, In 31).

Regarding claims 4, 14, 22 and 30, referring to figures 1-7, Lyell teaches the method of Claim 1 wherein the voice service control instruction is Extensible Markup Language compliant (see col. 8, In 25-col. 9, In 31).

Regarding claims 5, 15, 23 and 31, referring to figures 1-7, Lyell teaches the method of Claim 1 wherein the telephony network comprises wireless telephony devices (see col. 8, In 25-col. 9, In 31).

Regarding claims 6, 16, 24 and 32, referring to figures 1-7, Lyell teaches the method of Claim 1 wherein the telephony network is the Public Switched Telephone Network (see col. 8, In 25-col. 9, In 31).

Regarding claims 7, 17, 25 and 33, referring to figures 1-7, Lyell teaches the method of Claim 1 wherein controlling the voice service comprises sending a telephony control instruction from the server network device to a telephony control device on the telephony network (see Abstract; and col. 4, In 47-col. 5, In 55; and col. 8, In 25-col. 9, In 31).

Regarding claim 8, referring to figures 1-7, Lyell teaches the method of Claim 1 wherein the voice service comprises text-to-speech conversion (see Abstract; and col. 4, In 47-col. 5, In 55; and col. 8, In 25-col. 9, In 31).

Regarding claim 9, referring to figures 1-7, Lyell teaches the method of Claim 1 wherein the voice service comprises automatic speech recognition (see Abstract; and col. 4, In 47-col. 5, In 55; and col. 8, In 25-col. 9, In 31).

Regarding claim 10, referring to figures 1-7, Lyell teaches the method of Claim 1 wherein the voice service comprises speaker recognition (see Abstract; and col. 4, In 47-col. 5, In 55; and col. 8, In 25-col. 9, In 31).

Regarding claims 11 and 19, referring to figures 1-7, Lyell teaches a method of controlling connection of a telephony device to a telephony control device on a telephony network comprising:

sending a call status request from a client network device to a server network device over a non-local network (see Abstract; and col. 4, In 47-col. 5, In 55; and col. 8, In 25-col. 9, In 31);

sending a call status response from the server network device to the client network device over the non-local network (see Abstract; and col. 4, In 47-col. 5, In 55; and col. 8, In 25-col. 9, In 31);

sending a connection control instruction from the client network device to the server network device over the non-local network (see Abstract; and col. 4, In 47-col. 5, In 55; and col. 8, In 25-col. 9, In 31); and

executing the connection control instruction using the server network device to control connection of the telephony device to the telephony device over the telephony network (see Abstract; and col. 4, In 47-col. 5, In 55; and col. 8, In 25-col. 9, In 31).

Regarding claims 18 and 26, referring to figures 1-7, Lyell teaches the method of Claim 11 wherein the connection control instruction is sent only if the call status response satisfies a criterion (see Abstract; and col. 4, In 47-col. 5, In 55; and col. 8, In 25-col. 9, In 31).

Regarding claim 34, referring to figures 1-7, Lyell teaches the method of Claim 27 wherein the telephony script includes branching logic instructions (see Abstract; and col. 4, In 47-col. 5, In 55; and col. 8, In 25-col. 9, In 31).

Regarding claim 35, referring to figures 1-7, Lyell teaches the method of Claim 27 wherein the telephony script is generated by the client in response to the client's status (see Abstract; and col. 4, In 47-col. 5, In 55; and col. 8, In 25-col. 9, In 31).

Regarding claim 36, referring to figures 1-7, Lyell teaches the method of Claim 27 wherein the telephony script is generated by the client in response to the server's status.

Regarding claim 37, referring to figures 1-7, Lyell teaches the method of Claim 27 wherein the telephony script is generated by the client in response to a client's human user's input (see Abstract; and col. 4, In 47-col. 5, In 55; and col. 8, In 25-col. 9, In 31).

Regarding claim 39, referring to figures 1-7, Lyell teaches the method of Claim 38 wherein the control information comprises a voice service control instruction (see Abstract; and col. 4, In 47-col. 5, In 55; and col. 8, In 25-col. 9, In 31).

Regarding claim 40, referring to figures 1-7, Lyell teaches the method of Claim 38 wherein the control information comprises a telephony script (see Abstract; and col. 4, In 47-col. 5, In 55; and col. 8, In 25-col. 9, In 31).

Regarding claim 41, referring to figures 1-7, Lyell teaches the system for providing a service to a telephony device over a telephony network comprising:

a server network device (see Abstract; and col. 4, In 47-col. 5, In 55; and col. 8, In 25-col. 9, In 31); and

a client network device for sending control information to the server network device over a non-local network, the server network device processing the control information to control a service provided to the telephony device over the telephony network (see Abstract; and col. 4, In 47-col. 5, In 55; and col. 8, In 25-col. 9, In 31).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art in general:

U.S. Pat. No. 6,816,579

U.S. Pat. No. 6,961,419


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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bing Bui, Tel. No. (571) 272-7482. The examiner can normally be reached on Monday through Thursday from 7:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300 and for formal communications intended for entry (please label the response ☐EXPEDITED PROCEDURE☐) or for informal or draft communications not intended for entry (please label the response "PROPOSED" or "DRAFT").

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

18 Feb 2006

A handwritten signature in black ink, appearing to read 'Bing Q. Bui', with a long horizontal stroke extending to the left.

**BING Q. BUI
PRIMARY EXAMINER**